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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204345
Party	Defendant Big Fish Games, Inc.
Correspondence Address	TINA M. BONDY BIG FISH GAMES, INC. STE 200 333 ELLIOTT AVE W SEATTLE, WA 98119 ip@bigfishgames.com
Submission	Answer and Counterclaim
Filer's Name	Patchen M. Haggerty
Filer's e-mail	ip.docket.se@dorsey.com, haggerty.patchen@dorsey.com, stewart.doug@dorsey.com, ip@bigfishgames.com
Signature	/Patchen M. Haggerty/
Date	04/25/2012
Attachments	Big Fish Answer Counterclaim Exhibits.pdf (20 pages)(3763906 bytes)

Registration Subject to the filing

Registration No	3936214	Registration date	03/29/2011
Registrant	Studio Moderna SA Via Pretorio 22 Lugano, CH-6900 SWITZERLAND		

Goods/Services Subject to the filing

Class 035. First Use: 2006/05/00 First Use In Commerce: 2008/09/24 All goods and services in the class are requested, namely: On-line retail store services in the field of cycling, featuring bicycles; providing on-line advertising in the fields of bicycles and cycling; providing on-line consumer information regarding bicycles and cycling gear
Class 041. First Use: 2006/05/00 First Use In Commerce: 2008/09/24 All goods and services in the class are requested, namely: Providing on-line information regarding cycling and bicycle racing, for entertainment, recreation or as a sport

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STUDIO MODERNA S.A.

Opposer/Counterclaim Defendant,

v.

BIG FISH GAMES, INC.,

Applicant/Counterclaim Plaintiff.

Opposition No. 91204345

Serial No. 85/319799

**ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM FOR
CANCELLATION OF ASSERTED REGISTRATION**

Applicant/Counterclaim Plaintiff Big Fish Games, Inc. (“Applicant or Counterclaim Plaintiff”), hereby responds to the Notice of Opposition, filed March 16, 2012, by Studio Moderna S.A. (“Opposer or Counterclaim Defendant”), as follows:

Applicant admits that it filed its intent-to-use application for the mark BIG FISH on May 12, 2011, that the listed goods and services are included in the application, and that the application was published for opposition on September 20, 2011 (“Applicant’s Mark”).

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.

a. Applicant admits that Opposer has attached as Exhibit A to its Notice of Opposition what is purported to be a copy of the Certificate of Registration for the mark BIGFISH, U.S. Reg. No. 3,889,206, which identifies certain goods in International Classes 12 and 28.

b. Applicant admits that Opposer has attached as Exhibit B to its Notice of Opposition what is purported to be a copy of the Certificate of Registration for the mark BigFish, U.S. Reg. No. 3,936,214, which identifies certain goods in International Classes 35 and 41.

Applicant admits that the filing date of the registrations shown on Exhibits A and B to the Notice of Opposition precedes the May 12, 2011 filing date of the application for Applicant's Mark.

Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Paragraph 5 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 5.

6. The applications referenced by Opposer in paragraph 6 of the Notice of Opposition are not at issue in this proceeding. Paragraph 6 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 6.

7. Paragraph 7 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 7.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief may be granted.
2. The goods and services of the parties are not competitive or related.

3. Applicant's Mark is not likely to cause confusion, or to cause mistake, or to deceive, or to falsely suggest an association with Opposer.

4. Applicant's Mark is not likely to cause dilution to, or tarnishment of, Opposer's marks.

5. Opposer's marks were not famous prior to Applicant's first use of Applicant's Mark and are not famous now as required by law.

6. Applicant has priority over the priority date of Opposer's asserted Registration No. 3,936,214.

7. Applicant reserves the right to amend its Answer to add affirmative defenses or counterclaims that are not now known but may later become known through discovery or other means.

WHEREFORE Applicant prays that this Opposition be denied.

COUNTERCLAIM

Applicant for its Counterclaim against Opposer hereby states and alleges as follows:

Opposer/Counterclaim Defendant has opposed registration of Applicant/Counterclaim Plaintiff's application for the mark BIG FISH, Serial No. 85/319799 under Section 2(d) of the Trademark Act. In support of its Notice of Opposition, Opposer/Counterclaim Defendant relies on Registration No. 3,936,214 issued on the Principal Register on March 29, 2011 to Opposer/Counterclaim Defendant for the mark BigFish covering "On-line retail store services in the field of cycling, featuring bicycles; providing on-line advertising in the fields of bicycles and cycling; providing on-line consumer information regarding bicycles and cycling gear" in International Class 35 and "Providing on-line information regarding cycling and bicycle racing, for entertainment, recreation or as a sport" in International Class 41 (the "Registration").

Applicant/Counterclaim Plaintiff believes it has priority over the priority date of Registration such that the Registration is invalid, and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Counterclaim Plaintiff is now, and for many years has been, engaged in the creation, development, marketing, sale and administration of games, online computer games, computer software games, video games and electronic game software, electronic media and entertainment media.




2. Since at least as early as May of 2002 and long prior to May of 2006, the date of first use anywhere alleged in the Registration of Counterclaim Defendant, Counterclaim Plaintiff has offered games, online computer games, computer software games, video games and electronic game software, electronic media and entertainment media in connection with the trademark BIG FISH GAMES and variations thereof used by Counterclaim Plaintiff at common law, including but not limited to BIG FISH (the “BIG FISH Marks”).

3. Since at least as early as 2002 and long prior to May of 2006, Counterclaim Plaintiff, its customers, subscribers and end users, and others in the gaming industry have referred to Counterclaim Plaintiff as “Big Fish.”

4. Counterclaim Plaintiff is the owner of the following U.S. Trademark Registrations for its BIG FISH Marks on the Principal Register of the U.S. Patent and Trademark Office:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Goods/Services</u>
BIG FISH GAMES	4,004,420	August 2, 2011	<u>Class 9</u> : computer game software; downloadable computer game software <u>Class 38</u> : providing online chat rooms for transmission of messages among computer and mobile communication users concerning games

			<p><u>Class 41:</u> entertainment services, namely, providing online computer games</p> <p><u>Class 42:</u> design and development of computer game software for others</p>
	3,653,488	July 14, 2009	<p><u>Class 41:</u> Entertainment services, namely, providing online interactive, computer, video and electronic games; computer games provided via a global computer network, mobile access computers, handheld game players and mobile telephones; providing a computer game that may be accessed network-wide by network users; providing information in the field of games, interactive games, electronic games, computer games and video games, via the internet; providing temporary use of non-downloadable online interactive games, electronic games, computer games or video games; providing a web site where users can post ratings, reviews, favorites and recommendations in the fields of games, interactive games, electronic games, computer games and video games; computer services, namely, providing online newsletters in the fields of games, online computer games, computer software games, video games and electronic game software via e-mail and the Internet</p>
	3,697,601	October 20, 2009	<p><u>Class 38:</u> Providing online chat rooms, forums and electronic bulletin boards for transmission of messages among computer and mobile communication users concerning games, online computer games, computer software games, video games and electronic game software, electronic media and entertainment media</p>

	3,653,489	July 14, 2009	<p><u>Class 42:</u> Computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; hosting digital content on the Internet for others; web site development services for others; technical support services, namely, troubleshooting of computer software and game problems</p>
	4,028,044	September 20, 2011	<p><u>Class 41:</u> Entertainment services, namely, providing online interactive, computer, video and electronic games; computer games provided via a global computer network, mobile access computers, handheld game players and mobile telephones; providing a computer game that may be accessed network-wide by network users; providing information in the field of games, interactive games, electronic games, computer games and video games, via the internet; providing temporary use of non-downloadable online interactive games, electronic games, computer games or video games; providing a web site where users can post ratings, reviews, favorites and recommendations in the fields of games, interactive games, electronic games, computer games and video games; computer services, namely, providing online newsletters in the fields of games, online computer games, computer software games, video games and electronic game software via e-mail and the Internet</p>
	3,973,143	June 7, 2011	<p><u>Class 38:</u> Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of games, online computer games, computer software games, video games and electronic</p>

			game software, electronic media and entertainment media; Providing on-line chat rooms for social networking
BIG FISH GAMES	4,035,789	October 4, 2011	<u>Class 41</u> : Entertainment services, namely, computer games provided via mobile access computers, handheld game players and telephones

These Trademark Registrations are valid, subsisting and owned by Counterclaim Plaintiff. Pursuant to 37 CFR § 2.122(d) and TBMP § 317, attached hereto as Exhibit A are photocopies of the current status and title copy, prepared by the USPTO, of the foregoing Certificates of Registration.

5. Counterclaim Plaintiff has spent considerable sums advertising and promoting its products and services offered and sold under its BIG FISH Marks throughout the United States.

6. As a result of Counterclaim Plaintiff's advertisement, promotion and sale of its products and services offered under its BIG FISH Marks, Counterclaim Plaintiff has acquired substantial and valuable goodwill in its BIG FISH Marks, which are known to indicate, and recognized as indicating, source exclusively in Counterclaim Plaintiff.

7. In paragraphs 5 through 7 of its Notice of Opposition, Opposer/Counterclaim Defendant alleges a likelihood of confusion and a likelihood of dilution between the Registration and Applicant's intent-to-use application for the mark BIG FISH, Serial No. 85/319799, under Section 2(d) of the Trademark Act. Applicant denies the allegations of paragraphs 5 through 7 of the Notice of Opposition, but to the extent a likelihood of confusion or a likelihood of dilution is found by the Board, Applicant has priority over the priority date of Opposer's asserted Registration No. 3,936,214 through its use and registration of the BIG FISH Marks prior to May of 2006 such that the Registration is invalid.

WHEREFORE, Counterclaim Plaintiff respectfully requests that this Counterclaim for Cancellation be granted and that Registration No. 3,936,214 be cancelled.

* * * * *

Please recognize as attorneys for Applicant/Counterclaim Plaintiff in this proceeding Patchen M. Haggerty, a member of the Bar of the States of Washington and Oregon, and Douglas F. Stewart, a member of the Bar of the State of Washington, at the address below.

Respectfully Submitted,
DORSEY & WHITNEY LLP

Dated: April 25, 2012

By:

/s/ Patchen M. Haggerty
Patchen M. Haggerty
Douglas F. Stewart
DORSEY & WHITNEY LLP
701 Fifth Avenue, Suite 6100
Seattle, Washington 98104
(206) 903-8800

haggerty.patchen@dorsey.com
stewart.doug@dorsey.com

ATTORNEYS FOR
APPLICANT/COUNTERCLAIM
PLAINTIFF BIG FISH GAMES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer to Notice of Opposition and Counterclaim for Cancellation is being served upon the Opposer/Counterclaim Defendant's attorney of record on April 25, 2012 by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Mitchell P. Brook
McKenna Long & Aldridge, LLP
600 West Broadway, Suite 2600
San Diego, CA 92101

/s/ Patchen M. Haggerty
Patchen M. Haggerty

4848-8830-7215\1

EXHIBIT A

United States of America

United States Patent and Trademark Office

BIG FISH GAMES

Reg. No. 4,004,420

Registered Aug. 2, 2011

Int. Cls.: 9, 38, 41 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
333 ELLIOTT AVENUE WEST
SUITE 200
SEATTLE, WA 98119

FOR: COMPUTER GAME SOFTWARE; DOWNLOADABLE COMPUTER GAME SOFTWARE,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-9-2002; IN COMMERCE 5-9-2002.

FOR: PROVIDING ONLINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG
COMPUTER AND MOBILE COMMUNICATION USERS CONCERNING GAMES, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-1-2005; IN COMMERCE 4-1-2005.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE COMPUTER GAMES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-9-2002; IN COMMERCE 5-9-2002.

FOR: DESIGN AND DEVELOPMENT OF COMPUTER GAME SOFTWARE FOR OTHERS ,
IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-9-2002; IN COMMERCE 5-9-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-657,195, FILED 6-23-2005.

THEODORE MCBRIDE, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,653,488

United States Patent and Trademark Office

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**



BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
333 ELLIOTT AVENUE WEST
SUITE 200
SEATTLE, WA 98119

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE INTERACTIVE, COMPUTER, VIDEO AND ELECTRONIC GAMES; COMPUTER GAMES PROVIDED VIA A GLOBAL COMPUTER NETWORK, MOBILE ACCESS COMPUTERS, HANDHELD GAME PLAYERS AND MOBILE TELEPHONES; PROVIDING A COMPUTER GAME THAT MAY BE ACCESSED NETWORK-WIDE BY NETWORK USERS; PROVIDING INFORMATION IN THE FIELD OF GAMES, INTERACTIVE GAMES, ELECTRONIC GAMES, COMPUTER GAMES AND VIDEO GAMES, VIA THE INTERNET; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE ONLINE INTERACTIVE GAMES, ELECTRONIC GAMES, COMPUTER GAMES OR VIDEO GAMES; PROVIDING A WEB SITE WHERE USERS CAN POST RATINGS, REVIEWS, FAVORITES AND RECOMMENDATIONS IN THE FIELDS OF GAMES, INTERACTIVE GAMES, ELECTRONIC GAMES,

COMPUTER GAMES AND VIDEO GAMES; COMPUTER SERVICES, NAMELY, PROVIDING ONLINE NEWSLETTERS IN THE FIELDS OF GAMES, ONLINE COMPUTER GAMES, COMPUTER SOFTWARE GAMES, VIDEO GAMES AND ELECTRONIC GAME SOFTWARE VIA E-MAIL AND THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-2002; IN COMMERCE 9-0-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "BIG FISH GAMES" WITH A STYLIZED LETTER "S" IN THE DESIGN OF A FISH, WITH A DESIGN OF AN EARTH GLOBE.

SER. NO. 77-500,190, FILED 6-16-2008.

WENDY JUN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,697,601 BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
Registered Oct. 20, 2009 333 ELLIOTT AVENUE WEST
SUITE 200
SEATTLE, WA 98119

Int. Cl.: 38

**SERVICE MARK
PRINCIPAL REGISTER**

FOR: PROVIDING ONLINE CHAT ROOMS, FORUMS AND ELECTRONIC BULLETIN
BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER AND MOBILE
COMMUNICATION USERS CONCERNING GAMES, ONLINE COMPUTER GAMES, COM-
PUTER SOFTWARE GAMES, VIDEO GAMES AND ELECTRONIC GAME SOFTWARE,
ELECTRONIC MEDIA AND ENTERTAINMENT MEDIA, IN CLASS 38 (U.S. CLS. 100, 101
AND 104).

FIRST USE 4-0-2005; IN COMMERCE 4-0-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE
MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "BIG FISH GAMES" WITH A STYLIZED LETTER
"S" IN THE DESIGN OF A FISH, WITH A DESIGN OF AN EARTH GLOBE.

SER. NO. 77-500,189, FILED 6-16-2008.

WENDY JUN, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,653,489

Registered July 14, 2009

**SERVICE MARK
PRINCIPAL REGISTER**



BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
333 ELLIOTT AVENUE WEST
SUITE 200
SEATTLE, WA 98119

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE MARK AS SHOWN.

FOR: COMPUTER SERVICES IN THE NATURE OF CUSTOMIZED WEB PAGES FEATURING USER-DEFINED INFORMATION, PERSONAL PROFILES AND INFORMATION; HOSTING DIGITAL CONTENT ON THE INTERNET FOR OTHERS; WEB SITE DEVELOPMENT SERVICES FOR OTHERS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER SOFTWARE AND GAME PROBLEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF THE WORDS "BIG FISH GAMES" WITH A STYLIZED LETTER "S" IN THE DESIGN OF A FISH, WITH A DESIGN OF AN EARTH GLOBE.

SER. NO. 77-500,195, FILED 6-16-2008.

WENDY JUN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,028,044

Registered Sep. 20, 2011

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
SUITE 200
333 ELLIOTT AVENUE
SEATTLE, WA 98119

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE INTERACTIVE, COMPUTER, VIDEO AND ELECTRONIC GAMES; COMPUTER GAMES PROVIDED VIA A GLOBAL COMPUTER NETWORK, MOBILE ACCESS COMPUTERS, HANDHELD GAME PLAYERS AND MOBILE TELEPHONES; PROVIDING A COMPUTER GAME THAT MAY BE ACCESSED NETWORK-WIDE BY NETWORK USERS; PROVIDING INFORMATION IN THE FIELD OF GAMES, INTERACTIVE GAMES, ELECTRONIC GAMES, COMPUTER GAMES AND VIDEO GAMES, VIA THE INTERNET; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE ONLINE INTERACTIVE GAMES, ELECTRONIC GAMES, COMPUTER GAMES OR VIDEO GAMES; PROVIDING A WEB SITE WHERE USERS CAN POST RATINGS, REVIEWS, FAVORITES AND RECOMMENDATIONS IN THE FIELDS OF GAMES, INTERACTIVE GAMES, ELECTRONIC GAMES, COMPUTER GAMES AND VIDEO GAMES; COMPUTER SERVICES, NAMELY, PROVIDING ONLINE NEWSLETTERS IN THE FIELDS OF GAMES, ONLINE COMPUTER GAMES, COMPUTER SOFTWARE GAMES, VIDEO GAMES AND ELECTRONIC GAME SOFTWARE VIA E-MAIL AND THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-15-2010; IN COMMERCE 11-15-2010.

OWNER OF U.S. REG. NOS. 3,653,488, 3,653,489, AND 3,697,601.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "BIG FISH GAMES" WITH A STYLIZED LETTER "S" IN THE DESIGN OF A FISH SUPERIMPOSED OVER A BALL.

SER. NO. 85-178,420, FILED 11-16-2010.

JOHN E. MICHOS, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

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United States of America

United States Patent and Trademark Office



Reg. No. 3,973,143

Registered June 7, 2011

Int. Cl.: 38

SERVICE MARK

PRINCIPAL REGISTER

BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
SUITE 200
333 ELLIOTT AVENUE WEST
SEATTLE, WA 98119

FOR: PROVIDING ON-LINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GAMES, ONLINE COMPUTER GAMES, COMPUTER SOFTWARE GAMES, VIDEO GAMES AND ELECTRONIC GAME SOFTWARE, ELECTRONIC MEDIA AND ENTERTAINMENT MEDIA; PROVIDING ON-LINE CHAT ROOMS FOR SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-7-2010; IN COMMERCE 7-7-2010.

OWNER OF U.S. REG. NOS. 3,653,488, 3,697,601 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "BIG FISH GAMES" WITH A STYLIZED LETTER "S" IN THE DESIGN OF A FISH SUPERIMPOSED OVER A BALL.

SER. NO. 85-080,721, FILED 7-8-2010.

MEGHAN REINHART, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BIG FISH GAMES

Reg. No. 4,035,789

Registered Oct. 4, 2011

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

BIG FISH GAMES, INC. (WASHINGTON CORPORATION)
SUITE 200
333 ELLIOTT AVENUE WEST
SEATTLE, WA 98119

FOR: ENTERTAINMENT SERVICES, NAMELY, COMPUTER GAMES PROVIDED VIA MOBILE ACCESS COMPUTERS, HANDHELD GAME PLAYERS AND TELEPHONES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES", APART FROM THE MARK AS SHOWN.

SN 78-657,197, FILED 6-23-2005.

THEODORE MCBRIDE, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.